

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Mailed 10/27/05

Applicant's or agent's file reference 03-018WO	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/US04/06550	International filing date (day/month/year) 03 March 2004 (03.03.2004)	Priority date (day/month/year) 04 March 2003 (04.03.2003)	
International Patent Classification (IPC) or national classification and IPC IPC(7): A63F 09/24 and US Cl.: 463/25			
Applicant WALKER DIGITAL, LLC			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of ___ sheets, as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>			
Date of submission of the demand 18 August 2004 (18.08.2004)		Date of completion of this report 07 October 2005 (07.10.2005)	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201		Authorized officer <i>Sharon D. Greene for</i> Xuan Thai Telephone No. 571-272-3700	

Form PCT/IPEA/409 (cover sheet)(April 2005)

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/06550

## Box No. I Basis of the report

1. With regard to the language, this report is based on:

- ☒ the international application in the language in which it was filed.
- ☐ a translation of the international application into English, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4(a))
- ☐ international preliminary examination (under Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☒ the international application as originally filed/furnished
- ☒ the description:  
pages 1-96 as originally filed/furnished  
pages\* NONE received by this Authority on \_\_\_\_\_  
pages\* NONE received by this Authority on \_\_\_\_\_
- ☒ the claims:  
pages 97-102 as originally filed/furnished  
pages\* NONE as amended (together with any statement) under Article 19  
pages\* NONE received by this Authority on \_\_\_\_\_  
pages\* NONE received by this Authority on \_\_\_\_\_
- ☒ the drawings:  
pages 1-17 as originally filed/furnished  
pages\* NONE received by this Authority on \_\_\_\_\_  
pages\* NONE received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/figs NONE
- ☒ the sequence listing (*specify*): NONE
- ☒ any table(s) related to the sequence listing (*specify*): NONE

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to the sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/06550

**Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability**

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 9-32

because:

☐ the said international application, or the said claim Nos. \_\_\_\_\_ relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. \_\_\_\_\_ are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. \_\_\_\_\_ are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):

☒ no international search report has been established for said claims Nos. 9-32

☐ a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

☐ furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13ter.1(a) or (b) and 13ter.2.

☐ a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/US04/06550**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims <u>3, 4</u>	YES
	Claims <u>1, 2, 5-8</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-8</u>	NO
Industrial Applicability (IA)	Claims <u>1-8</u>	YES
	Claims <u>NONE</u>	NO

**2. Citations and Explanations (Rule 70.7)**

Claims 1, 2 and 5-8 lack novelty under PCT Article 33(2) as being anticipated by Betmaker.com. Betmaker.com teaches of method for players to make bets on various events. A balance of funds is established for a player (See Betmaker.com, "FAQ player accounts"). A wager amount is determined for a game. For example, there are minimum wager amounts required (See Betmaker.com "about betmaker"). The system determines whether the wager amount is greater than a predetermined amount. For example, the system will not accept bets less than the minimum bet; therefore, the computer system checks to make sure the bet is greater than the minimum bet amount (See Betmaker.com "FAQ"). A confirmation message is displayed if the wager amount is greater than the predetermined amount. For example, a confirmation message is displayed if the player meets the minimum bet (See Betmaker.com "Buy-wagering") [claim 1]. The game comprises a plurality of plays. For example, football and baseball involve plays in game play (See Betmaker.com) [claim 2]. The wager amount required corresponds to a plurality of plays (See Betmaker.com "parlays") [claim 5]. The wager amount required corresponds to a predetermined period of time (See Betmaker.com "singles", "general rules") [claim 6]. For example, the player wagers on a specific time limit for the sporting event. The confirmation message comprises a confirmation screen (See Betmaker.com "Buy-wagering") [claim 7]. The confirmation screen comprises at least one selectable location (See Betmaker.com "Buy-wagering") [claim 8].

It is noted that the Examiner retrieved the July 21, 2001 version of Betmaker.com from the Internet archives.

Claims 3 and 4 lack an inventive step under PCT Article 33(3) as being obvious over Betmaker.com in view of Walker, U.S. Patent No. 6,077,163. Betmaker.com lacks in disclosing that the game comprises a flat rate or a prepaid session. Walker discloses a gaming machine in which the game comprises a flat rate session and a prepaid session (See Walker abstract) [claims 3 & 4]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the users of Betmaker.com prepay for a flat rate session by prepaying or by paying for a flat rate session a player only has to wager once for multiple games and is not burdened with constantly having to wager for other games. For example it would have been obvious that, a player could wager \$100 to be divided up among 10 games in Betmaker.com.

Claims 1-8 meet the criteria set out in PCT Article 33(4), and thus has industrial applicability because the subject matter claimed can be made or used in industry.

----- NEW CITATIONS -----

## PATENT COOPERATION TREATY

Confirmation Screen.

PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Date of Mailing  
MAY 04, 2005

Applicant's or agent's file reference 03-018WO	<b>FOR FURTHER ACTION</b> <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. PCT/US04/06550	International filing date (day/month/year) 03 March 2004 (03.03.2004)	(Earliest) Priority Date (day/month/year) 04 March 2003 (04.03.2003)
Applicant WALKER DIGITAL, LLC		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

## 1. Basis of the Report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

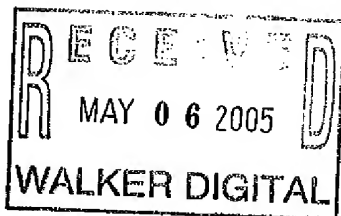
- b. ☐ With regard to any nucleotide and/or amino acid sequence disclosed in the international application, see Box No. I.

2. ☐ Certain claims were found unsearchable (See Box No. II)3. ☒ Unity of invention is lacking (See Box No. III)

## 4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:



File No:	03-018WD
Attorney:	MDD
Due Date:	7-4-05
Docketed:	5-11-05

## 5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

## 6. With regard to the drawings,

- a. the figure of the drawings to be published with the abstract is Figure No. 13A

☐ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☒ as selected by this Authority, because this figure better characterizes the invention.

- b. ☐ none of the figures is to be published with the abstract.

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/06550

## Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:  
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:  
Please See Continuation Sheet

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☒ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.: 1-8

Remark on Protest

☐  
☐

The additional search fees were accompanied by the applicant's protest.

No protest accompanied the payment of additional search fees.

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/06550

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : A63F 09/24

US CL : 463/25

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 463/25, 29

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

Please See Continuation Sheet

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	Betmaker.com, July 21, 2001 [online] [Retrieved on 2005-03-16], Retrieved from the Internet <URL:http://www.betmaker.com> .	1, 2, 5-8
---		-----
Y		3, 4
Y	US 6,077,163 A (WALKER et al) 20 June 2000 (20.06.2000), entire document.	3, 4
A	US 5,873,782 A (HALL) 23 February 1999 (23.02.1999), entire document.	1-8
A	US 6,299,532 B1 (SMITH) 09 October 2001 (09.10.2001), entire document.	1-8
A	US 6,336,857 A (MCBRIDE) 08 January 2002 (08.01.2002), entire document.	1-8
X, P	US 6,527,638 B1 (WALKER et al) 04 March 2003 (04.03.2003), entire document.	1-8

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

\* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T"

later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"

document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&"

document member of the same patent family

Date of the actual completion of the international search

16 March 2005 (16.03.2005)

Date of mailing of the international search report

04 MAY 2005

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

Xuan Thai

Telephone No. 703-308-1148

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US04/06550

### BOX III. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In order for all inventions to be examined, the appropriate additional examination fees must be paid.

Group I, claim(s) 1-8, drawn to a method for displaying a confirmation message based on a wager amount.

Group II, claim(s) 9-22, drawn to determining whether to present confirmation information.

Group III, claim(s) 23-28, drawn to detecting a confirmation trigger.

Group IV, claim(s) 29-32, drawn to determining whether to present confirmation information based on information about a player.

The inventions listed as Groups I - IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the claims share the common technical feature of "presenting a confirmation message to a player". This feature is clearly recited in the invention as taught by U.S. Patent No. 6,299,532 B1 col. 5 lines 12-15 to Smith. The common technical feature lacks novelty and does make a contribution over the prior art.

Continuation of B. FIELDS SEARCHED Item 3:

EAST: search terms: confirm, wager

INTERNET: search terms: confirm, wager



From the  
INTERNATIONAL SEARCHING AUTHORITY

To:  
MICHAEL D. DOWNS  
WALKER DIGITAL MANAGEMENT, LLC  
INTELLECTUAL PROPERTY DEPT.  
FIVE HIGH RIDGE PARK  
STAMFORD, CT 06905

**PCT**

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year)

04 MAY 2005 ✓

Applicant's or agent's file reference

03-018WO ✓

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/US04/06550 ✓

International filing date (day/month/year)

03 March 2004 (03.03.2004) ✓

Priority date (day/month/year)

04 March 2003 (04.03.2003)

International Patent Classification (IPC) or both national classification and IPC

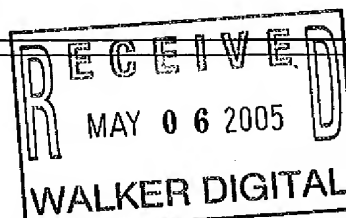
IPC(7): A63F 09/24 and US Cl.: 463/25

Applicant

WALKER DIGITAL, LLC

1. This opinion contains indications relating to the following items:

- |                                     |              |  |
|-------------------------------------|--------------|--|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion   |
| <input type="checkbox"/>            | Box No. II   | Priority   |
| <input checked="" type="checkbox"/> | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability   |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention   |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited  |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application   |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application  |



2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

Xuan Thai

Telephone No.: 703-308-1148

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US04/06550

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : A63F 09/24

US CL : 463/25

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 463/25, 29

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
Please See Continuation Sheet

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	Betmaker.com, July 21, 2001 [online] [Retrieved on 2005-03-16], Retrieved from the Internet <URL:http://www.betmaker.com> .	1, 2, 5-8
---		-----
Y		3, 4
Y	US 6,077,163 A (WALKER et al) 20 June 2000 (20.06.2000), entire document.	3, 4
A	US 5,873,782 A (HALL) 23 February 1999 (23.02.1999), entire document.	1-8
A	US 6,299,532 B1 (SMITH) 09 October 2001 (09.10.2001), entire document.	1-8
A	US 6,336,857 A (MCBRIDE) 08 January 2002 (08.01.2002), entire document.	1-8
X, P	US 6,527,638 B1 (WALKER et al) 04 March 2003 (04.03.2003), entire document.	1-8



Further documents are listed in the continuation of Box C.



See patent family annex.

\* Special categories of cited documents:

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier application or patent published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T"

later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X"

document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y"

document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&"

document member of the same patent family

Date of the actual completion of the international search

16 March 2005 (16.03.2005)

Date of mailing of the international search report

04 MAY 2005

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

Xuan Thai

Telephone No. 703-308-1148

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US04/06550

### BOX III. OBSERVATIONS WHERE UNITY OF INVENTION IS LACKING

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In order for all inventions to be examined, the appropriate additional examination fees must be paid.

Group I, claim(s) 1-8, drawn to a method for displaying a confirmation message based on a wager amount.

Group II, claim(s) 9-22, drawn to determining whether to present confirmation information.

Group III, claim(s) 23-28, drawn to detecting a confirmation trigger.

Group IV, claim(s) 29-32, drawn to determining whether to present confirmation information based on information about a player.

The inventions listed as Groups I - IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the claims share the common technical feature of "presenting a confirmation message to a player". This feature is clearly recited in the invention as taught by U.S. Patent No. 6,299,532 B1 col. 5 lines 12-15 to Smith. The common technical feature lacks novelty and does make a contribution over the prior art.

Continuation of B. FIELDS SEARCHED Item 3:

EAST: search terms: confirm, wager

INTERNET: search terms: confirm, wager



# UNITED STATES PATENT AND TRADEMARK OFFICE

40

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

11/422,734

06/07/2006

Jay S. Walker

03-018-C3

4644

22927

7590

12/03/2008

WALKER DIGITAL MANAGEMENT, LLC  
2 HIGH RIDGE PARK  
STAMFORD, CT 06905

EXAMINER

D'AGOSTINO, PAUL ANTHONY

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

12/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 11/422,734	<b>Applicant(s)</b> WALKER ET AL.	
	<b>Examiner</b> Paul A. D'Agostino	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/24/2006 and 1/25/2007</u> .                                 | 6) <input type="checkbox"/> Other: _____.                         |

### **DETAILED ACTION**

This responds to Applicant's Application filed 06/07/2006. Claims 1-8 and 11-32 have been cancelled. Claims 9-10 are now pending in this application.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Pub. No. 2001/0036853 to Thomas (Thomas).

Thomas discloses a method ([0008]; Figs. 8-13 and [0107-0111]), comprising:  
receiving a request to initiate play of a game at a gaming device (player initiates bet [0107]; in a lottery [0008]);

determining whether to present confirmation information to a player (Fig. 8  
“Finalize (Confirm) Now” and “Finalize (Confirm) Later” buttons); and

if confirmation information is to be presented to the player ([0107]):  
determining confirmation information to present to the player (“bet” [0107-0108]);  
presenting the confirmation information to the player (Fig. 13);  
receiving a signal indicating that the player confirms the confirmation information (Fig. 13 and [0108-0111]);

decrementing a credit balance associated with the player; and initiating play of the game (Fig. 13 and [0108-0111]).

{determining whether to present confirmation information to the player comprises: determining at least one confirmation criteria ("bet" [0107-0108] and confirmation criteria could be interpreted to mean criteria as to non-bet related matter e.g., generating a reminder message [0108]).

### ***Double Patenting***

3. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

4. A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

5. Claims 9-10 are provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 9-10 of copending Application No. 11/422,712 and claims 9-10 of copending Application no. 11/422,723. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

6. A nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

7. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.



Art Unit: 3714

8. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

9. Claims 9-10 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8, 15, and 33-43 of copending Application No. 10/791,028. Although the conflicting claims are not identical, they are not patentably distinct from each other because they both involve presenting a confirmation to a player and receiving a player response before initiating game play.

10. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is provided in the Notice of References Cited.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571)270-1992. The examiner can normally be reached on Monday - Friday, 7:30 a.m. - 5:00 p.m..

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/  
Supervisory Patent Examiner, Art Unit 3714

/Paul A. D'Agostino/  
Examiner, Art Unit 3714

<b>Notice of References Cited</b>	Application/Control No. 11/422,734		Applicant(s)/Patent Under Reexamination WALKER ET AL.	
	Examiner Paul A. D'Agostino		Art Unit 3714	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-5,415,416 A	05-1995	Scagnelli et al.	463/25
*	B	US-2001/0036853 A1	11-2001	Thomas, William L.	463/17
*	C	US-2002/0047044 A1	04-2002	ORUS et al.	235/380
*	D	US-2002/0073021 A1	06-2002	Ginsberg et al.	705/38
*	E	US-6,443,841 B1	09-2002	Rossides, Michael T.	463/25
*	F	US-2003/0096651 A1	05-2003	Black, Andrew Wilson	463/42
*	G	US-2003/0119528 A1	06-2003	Pew et al.	455/456
*	H	US-2004/0078208 A1	04-2004	Burwell, Malcolm	705/001
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



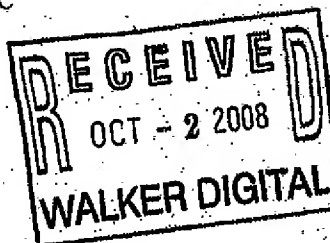
## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

*CG-NV/pop up feature Recommendation*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/373,757	03/10/2006	Jay S. Walker	02-040-1	7269

22927 7590 09/30/2008  
 WALKER DIGITAL MANAGEMENT, LLC  
 2 HIGH RIDGE PARK  
 STAMFORD, CT 06905



EXAMINER
----------

LEIVA FRANK M

ART UNIT	PAPER NUMBER
----------	--------------

3714

MAIL DATE	DELIVERY MODE
-----------	---------------

09/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

*Office Action*

File No:	02-040-1
Attorney:	SA
Due Date:	12-30-08
Docketed:	10-3-08

*QIDS*

File No:	02-040-1
Attorney:	SA
Due Date:	10-30-08
Docketed:	10-3-08

**Office Action Summary**

Application No.

11/373,757

Applicant(s)

WALKER ET AL.

Examiner

FRANK M. LEIVA

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 10 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 03/10/2006
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

1. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

### *Drawings*

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the selection of a variable and the variable containing two separate values from which the game result is determined upon, and "preventing the second payout from being provided to the player if the second outcome corresponds to a payout must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 1, 9 and 14** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 1 and 9 call out for the selection of a variable by the player and the variable containing two separate values from which the game result is determined upon; the examiner has fails to find a first value and second value of a variable and a variable selected by the player in the specifications. Claim 14 states "preventing the second payout from being provided to the player if the second outcome corresponds to a payout" where the examiner fails to find reference in the specifications in order to establish enablement.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an International application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**6. Claims 1-14 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Palmer et al (US 6,939,224 B2).**

**7. Regarding claim 1:** Palmer discloses a method, comprising determining a result at a game machine based on a random number and a first value of a variable selected by a player and outputting the result to the player; (fig. 3C and col. 8:36-46);

determining a hypothetical result at the game machine based on the random number and a second value of the variable; and outputting the hypothetical result to the player, (col. 7:37-58).

**8. Regarding claims 2 and 10;** Palmer discloses further including determining a message based upon a difference between the result and the hypothetical result, (col. 7:49-58).

**9. Regarding claims 3 and 11;** Palmer discloses further including displaying the message in a partition on the game machine, wherein the partition is a pop-up window, (fig. 3A:108a).

**10. Regarding claims 4 and 12;** Palmer discloses wherein determining the message includes determining a recommendation of a feature on the game machine based upon the difference between the result and the hypothetical result, (fig. 5A:108a).

**11. Regarding claims 5 and 13;** Palmer discloses wherein the feature corresponds to the second value of the variable, (fig. 5B-5D), wherein every variable has at least three other values one of payout, probability and expected value, all of which is used to determined the messages to be sent to the player.



Art Unit: 3714

**12. Regarding claim 6;** Palmer discloses wherein the second value is a value recommended to the player, but not selected by the player, prior to the determination of the result, (fig. 5A, 108a) wherein recommendations are made on first value A or second value B.

**13. Regarding claim 7;** Palmer discloses wherein outputting the hypothetical result to the player comprises outputting a recommendation of the second value of the variable to the player, the recommendation comprising a recommendation that the player select the second value prior to initiating a subsequent game play, (fig. 5A).

**14. Regarding claim 8;** Palmer discloses wherein the method comprises an apparatus, with a processor, a memory operatively connected to the processor, the memory storing a program for directing the processor, and the processor operable with the memory and a program, (col. 6:7-16).

**15. Regarding claim 14;** Palmer discloses further comprising determining whether the first outcome corresponds to a payout, thereby determining a first payout; providing the first payout to the player if the first outcome corresponds to a payout; determining whether the second outcome corresponds to a payout, thereby determining a second payout; and preventing the second payout from being provided to the player if the second outcome corresponds to a payout, (fig. 6B) shows payout values for win, place and show for all three horses, concluding that at the end of the race at least three winning outcomes will occur yet payment will be made on the actual horse bet on, which means that even if the second outcome corresponds to a payout, it will be prevented from payment since it was not bet on.

**16. Regarding claim 17;** Palmer discloses wherein indicating the second outcome to the player comprises indicating to the player a difference in what a result of the game would have been if the second value had been used to determine the first outcome, (see claim 16 rejection).

***Claim Rejections - 35 USC § 103***

**17.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**18.** Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer et al (US 6,939,224 B2).

**19.** Regarding claim 15; Palmer discloses all limitations of claim 1 which claim 15 depends on, yet is silent to wherein indicating the second outcome to the player comprises indicating the second payout to the player, (fig. 6B) shows a table of the possible outcomes, and it is well-known or customary for gaming machines to show all possible outcomes and the payouts after the game is over, to entice or teas the player.

**20.** Regarding claim 16; Palmer discloses all the limitations of claim 1 from which claim 16 depends on, yet fails to disclose wherein indicating the second payout to the player further comprises determining a difference between the first payout and the second payout; determining whether the second payout is greater than the first payout; and outputting an indication of the second payout to the player only if the second payout is greater than the first payout. The well-known technique of teasing the player wherein the player is shown the outcome of the total choices to see where the prize was hidden or to show how much the player would have won if continued with the game or chosen differently, is common use in gaming to enhance game play satisfaction.

Art Unit: 3714

**21. Examiner's Note:** Examiner has cited paragraphs and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK M. LEIVA whose telephone number is (571)272-2460. The examiner can normally be reached on M-Th 9:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML 09/25/2008

/Scott E. Jones/

Application/Control Number: 11/373,757

Art Unit: 3714

Page 8

Primary Examiner, Art Unit 3714

# **Notice of References Cited**

Application/Control No.

11/373,757

Applicant(s)/Parent Under

Reexamination  
WALKER ET AL.

Examiner

FRANK M. LEIVA

Art Unit

3714

Page 1 of 1

## **U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-7,252,590	08-2007	Palmer et al.	463/16
*	B	US-4,696,053	09-1987	Vazquez et al.	463/18
*	C	US-2003/0045344	03-2003	Webb et al.	463/20
*	D	US-6,485,367	11-2002	Joshi, Shridhar P.	463/13
*	E	US-6,126,541	10-2000	Fuchs, Anton	463/13
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

## **FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

## **NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.